

## **REMARKS**

### **I. The Section 112 Rejection**

In the May 23<sup>rd</sup> Office Action, the Examiner rejected applicants' Claims 97-102 under 35 USC §112, first paragraph, as allegedly not complying with the written description requirement because these claims (specifically, independent Claims 97 and 100) use the phrase "not rotationally symmetric." Applicants believe that their specification does convey to a person skilled in the art that applicants were in possession of the concept of arrangements of microstructures that are "not rotationally symmetric" at the time this application was filed.

However, to expedite the prosecution of this application, by the above amendments, applicants have cancelled independent Claim 100 and its dependent Claims 101-102, and have amended independent Claim 97, and thus its dependent Claims 98-99, to recite the various non-rotationally symmetric microstructure arrangements exemplified in this application, namely, a square arrangement (see, for example, Figure 36), a hexagonal arrangement (see, for example, Figure 37), a random arrangement (see, for example, Figure 38), and a mosaic arrangement (see, for example, Figure 39).<sup>1</sup>

Because revised Claim 97 uses terminology which explicitly appears in the specification of this application as filed, applicants respectfully submit that this claim and thus its dependent claims clearly satisfy the written description requirement.

### **II. The Rejections Under Sections 102 and 103**

In addition to the §112 rejection, the Examiner rejected Claims 87, 88, 97, and 98 under 35 USC §102(b) as allegedly anticipated by U.S. Patent No. 4,076,384 (the '384 patent) and rejected Claims 99 and 103-104 under 35 USC §103(a) as allegedly

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<sup>1</sup> The requirement for a microlens having a "non-cylindrical" configuration has also been removed from Claim 97 since it is no longer needed to distinguish EP '189 cited in the September 10, 2003 Office Action for this application.

unpatentable based on the '384 patent in view of U.S. Patent No. 6,301,051 (the '051 patent).<sup>2</sup> Applicants respectfully traverse these rejections.

Independent Claims 87 and 88, and thus their dependent Claim 103 and 104, contain the limitation:

at least some of the microstructures have a configuration that is characterized by at least one predetermined parameter which is randomly distributed in accordance with a predetermined probability density function.

In the Office Action, the Examiner asserted that "the lens matrix [of the '384 patent] may comprise elements with nonperiodic (i.e. random) phase structures" (5/23/05 Office Action at page 3). In connection with this assertion, the Examiner referred to column 7, lines 27-34, of the '384 patent which read:

In this way, it is possible to control with great precision the geometry of the wedge-profiled, spherical or inclined spherical shapes to be formed; additionally, using this production technique for the master, it is easy to produce lens matrixes or field lens/lens matrix combinations whose elements are aspherical or provided with supplemental periodic or nonperiodic phase structures (cineform lenses).

At no place in this passage or anywhere else in the '384 patent is there a disclosure of microstructures having "a configuration that is characterized by at least one predetermined parameter which is randomly distributed in accordance with a predetermined probability density function," as required by Claims 87-88 and 103-104. In particular, the use of the phrase "nonperiodic phase structure" does not disclose or suggest random microstructures and certainly does not disclose or suggest microstructures characterized by a predetermined parameter that is randomly distributed in accordance with a predetermined probability density function.

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<sup>2</sup> Claims 100-102 were also rejected but as indicated above, these claims have been cancelled.

The '051 patent does not make up for the deficiencies in the '384 patent. Like the '384 patent, the '051 patent is completely silent with regard to random microstructures. Accordingly, it cannot fairly be said to disclose or suggest the subject matter of Claims 87-88 and 103-104, whether taken alone or in combination with the '384 patent.

Turning to independent Claim 97, with the above amendments, that claim reads:

A structured screen which defines an optical axis and comprises a plurality of microstructures at least some of which comprise a microlens having an optical axis which is not parallel to the optical axis of the structured screen, wherein the plurality of microstructures has a square, hexagonal, random, or mosaic arrangement.

The '384 patent plainly does not disclose or suggest a structured screen of the type called for by this claim. Its screens are rotationally symmetric and there is no disclosure or suggestion in the reference that a non-rotationally symmetric arrangement can be used. In particular, there is no disclosure or suggestion that would lead a person skilled in the art to a square, hexagonal, random, or mosaic arrangement.

As to the '051 patent, it is concerned with high fill-factor microlens arrays produced by grey-scale photolithography. It has nothing to do with a screen which contains microlenses whose optical axes are not parallel to the screen's optical axis. As to combining the '051 patent with the '384 patent, there plainly is no motivation to do so and indeed such a combination, if made, would defeat the '384 patent's goal of producing a rotationally-symmetric Fresnel structure.

In view of these considerations, applicants respectfully submit that their Claims 87-88, 97-99 and 103-104 are properly patentable in view of the '384 and '051 patents.

**III. Conclusion**

The foregoing amendments and comments are believe to put this application in condition for allowance. Accordingly, reconsideration and the issuance of a notice of allowance for the application are respectfully requested.

Respectfully submitted,

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